

AO 120 (Rev. 2/99)

TO: Mail Stop 8 Director of the U.S. Patent & Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	SOLICITOR DEC 31 2007	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
---	--	---

U.S. Patent & Trademark Office

In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
 filed in the U.S. District Court _____ on the following ☐ Patents or ☐ Trademarks:

DOCKET NO. CV 05-04374 MMC	DATE FILED 10/27/2005	U.S. DISTRICT COURT 450 Golden Gate Avenue, 16th Floor San Francisco, CA 94102
PLAINTIFF CCELERITY, INC.		DEFENDANT ULTRA CLEAN HOLDING INC. ET AL
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 see complaint		
2 6,435,215		
3		
4		
5		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1			
2			
3			
4			
5			

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT See attached Order Re: Permanent Injunction and Judgment
--

CLERK Richard W. Wicking	(BY) DEPUTY CLERK Alfred Amistoso	DATE December 18, 2007
---------------------------------	--	-------------------------------

Copy 1—Upon initiation of action, mail this copy to Commissioner Copy 3—Upon termination of action, mail this copy to Commissioner
 Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner Copy 4—Case file copy

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION

4 CELERITY, INC.

5
6 Plaintiff/Counter-Defendant,

7 v.

8 ULTRA CLEAN TECHNOLOGY SYSTEMS
9 AND SERVICE, INC.

10 Defendant/Counterclaimant

11 and

12 ULTRA CLEAN HOLDINGS, INC.

13 Defendant.
14

Case No. 05-CV-04374 MMC
(consolidated with No. C-05-CV-03560 MMC)

JUDGMENT

15
16 Before the Court is Celerity, Inc.'s ("Celerity") Motion for Judgment, Including Permanent
17 Injunction, against Ultra Clean Technology Systems and Service, Inc. and Ultra Clean Holdings,
18 Inc. (collectively "UCT"). The jury having returned a verdict finding UCT liable for literal
19 infringement of independent claims 1 and 6 of U.S. Patent 6,435,215 (Docket No. 475), and upon
20 consideration of the post-verdict briefing and arguments submitted by the parties in connection
21 with this Judgment, the Court finds that judgment should be entered as follows:

22 On the claims asserted in Celerity's Complaint (Docket No. 1), it is Ordered and
23 Adjudged:

- 24 (1) that Celerity recover from UCT, jointly and severally, the principal sum of
25 \$13,900, in accordance with the jury's unanimous verdict;
26 (2) that Celerity recover from UCT, jointly and severally, prejudgment interest in the
27 amount of \$_634/ 2__;
28

- 1 (3) that Celerity recover from UCT, jointly and severally, its full costs of action, to be
2 taxed by the Clerk;
- 3 (4) that Celerity recover from UCT, jointly and severally, post-judgment interest at the
4 rate provided by law;
- 5 (5) that UCT be and hereby is ordered to account to Celerity for any sales of the
6 Predator product within the United States ~~as of the date of this injunction~~, including
7 but not limited to, any and all sales pursuant to offers for sale described in the
8 Stipulation And Order Regarding Sales And Offers For Sale By Ultra Clean
9 Technology Systems And Service And Ultra Clean Holdings, Inc. (Docket No.
10 292) (the "Sales Stipulation") as follows: (i) by providing to Celerity, within thirty
11 (30) days of entry of this Judgment, a report identifying any such sales of the
12 Predator product ("sales" being defined as any transaction for which a purchase
13 order or invoice has been issued, other than the completed sales identified in the
14 Sales Stipulation); (ii) by providing Celerity with copies of all purchase orders,
15 invoices or other sales documents including e-mail to and from any purchasers or
16 offerees that were generated in connection with such sales; (3) by making payment
17 to Celerity at the rate of 8% on any such sales;
- 18 (6) that UCT, and each of their officers, agents, servants, employees, and each other
19 person in active concert or participation with either of them, ~~and any other person~~
20 ~~who receives actual notice of this Judgment by personal service or otherwise~~, are
21 hereby enjoined from engaging in, causing, aiding or abetting the infringement of
22 claims 1 or 6 of U.S. Patent 6,435,215 by making, using, offering for sale or selling
23 the Predator product, including any product that is not colorably different from the
24 Predator product, in the United States and from importing the Predator product,
25 including any product that is not colorably different from the Predator product, into
26 the United States.

27 ~~On the declaratory judgment claims/counterclaims asserted in UCT's Counterclaim or~~
28 ~~UCT's Complaint (Docket No. 1 in action 05-03560) or subsequent versions thereof, it is Ordered~~

1 and Adjudged that UCT is not entitled to relief, because independent claims 1 and 6 of U.S. Patent
2 6,435,215 (Docket No. 475) are valid, enforceable and have been infringed, and claims 1, 2 and 12
3 of U.S. Patent 6,394,138 patent are valid.
4
5

6 Date: Opw'n cfs 41- 3118

Margaret M. Cherry
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CELERITY, INC.,

Plaintiff/Counter-Defendant

v.

ULTRA CLEAN TECHNOLOGY SYSTEMS
AND SERVICE, INC.

Defendant/Counterclaimant

and

ULTRA CLEAN HOLDINGS, INC.

Defendant

No. C-05-4374 MMC

(Consolidated with C-05-3560 MMC)

ORDER RE: PERMANENT INJUNCTION

By separate Judgment filed concurrently herewith, the Court has entered a permanent injunction against defendants Ultra Clean Technology Systems and Service, Inc. and defendant Ultra Clean Holdings, Inc. (collectively, "UTC"). In granting such relief, the Court has considered the post-trial briefing submitted by the parties with respect to said issue, and finds, for the reasons stated by plaintiff, that plaintiff is entitled to a permanent injunction. See eBay v. MercExchange, L.L.C., 126 S. Ct. 1837, 1839 (2006).

IT IS SO ORDERED.

Dated: November 30, 2007


MAXINE M. CHESNEY
United States District Judge